IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

SUMMONS FOR JUDGMENT NO. 693 OF 2004

IN

SUMMARY SUIT NO. 1903 OF 2004

Bobcards Ltd .....**Plffs.**
vs.
Anil Hamirwasia .....**Defnds.**

Iqbal Punjwani for the plffs.

Suresh Kudalkar for the defnds.

CORAM: S.U. KAMDAR, J.

DATE : 20th September, 2005.

P.C. :.

1. The present suit is filed on credit card bearing no. 4293 9000 2186 2004. The defendant has utilised the said credit card and the claim is raised for the payment which is due and payable thereof alongwith interest thereon. The defendant has filed affidavit in reply. It is contended that in the reply that the plaintiff has filed to give services as promised in their bulletin which was

issued by them to each of the card member. It was contended that there was denial of the withdrawal of Rs.2,000/- and inrespect thereof on 7.12.2001 a notice was given by the defendant to the plaintiff,. It is the case of the defendant that the defendant has not provided satisfactory service under the said credit card and therefore he is not liable. If there was any complaint of service the plaintiff was at liberty to initiate proceedings. However on his own showing no such proceedings are initiated. The present claim is for actual utilisation of the said credit card and thus amount utilised is due and payable. The defendant can not withheld the said amount for any such alleged reason of deficiency of service. Learned counsel for the plaintiff has tendered original compilation of documents, the same is taken on record and marked Ex.P.1 colly. In that view of the matter suit decreed. However the interest will be from the date of the suit at the rate of 12% p.a. s.i. Refund of court fees as per rules. Summons for judgment and suit disposed off accordingly.

sd/-

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